

***REMARKS***

Claims 1,3,5-18,20-34,37-44 and 46-65, all the claims pending in the application, stand rejected. Claims 18, 39-41, 56, 57 and 65 are amended. Claims 1-17, 37, 38 and 52-55 are cancelled. The amendments to claims 18 and 65 are intended to define structures and structural relationships that are not found in the prior art.

***Claim Objections***

Claim 17 is objected to, but the objection is moot in view of the cancellation of the claim.

Claim 18 is objected to because the Examiner finds that "a storage portion and a sleep portion" should read "a storage position and a sleep position." This change has been made.

***Claim Rejections - 35 USC § 112***

**Claims 18-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.** This rejection is traversed for at least the following reasons.

The Examiner states that in each of claims 18 and 65, three configurations of work, relaxation and sleep are required for the furniture within the compartment, but only one specific variable has been stated as changing between the configurations, rendering no possible structural difference between two of the configurations. The Examiner finds that there is no structural definition of either storage or sleep configurations, leaving it unclear as to what transformation a bed must undergo to be considered in a storage position as opposed to a sleep configuration. The Examiner advises of the importance in making a structural distinction between all three configurations since it is not only possible to work, relax or sleep in most environments designed for any of the three, but very likely that many people have done one of the off choices in environments designed for one, like doing a crossword at a workstation or tele-working from bed.

**Claim 18**

Applicants note that claim 18 is directed to the configuration of a private passenger compartment on an aircraft as disclosed with respect to the embodiment illustrated in Figs. 1-19 where, for example in Figs. 5-8, the compartment 5 is defined by two end walls 7a, two side walls 7b with a doorway 9 and the aircraft side wall 15. The compartment has therein a chair 31, a credenza 33, a table assembly 35 housed in the credenza 33, a bi-fold bed 29 that is stored in one of the end walls 7a, and a seat 37. The chair 31 is positioned against a first end wall 7a and is foldable between an upright position for a sitting passenger and a folded down position in which the chair forms a support for the bed. The seat 37 is positioned against a second end wall 7a, opposite the first wall in the compartment space. The bed 29, which is stored upright in a folded condition in one of the first and second end walls 7a in a storage position, may be unfolded and lowered to a horizontal position, supported by at least one of the chair structure and the seat structure.

This arrangement comprises at least a chair that can be folded from an operative position as a chair to an operative position as a support for a bed, wherein the bed can be folded down from a cavity in an end wall to a horizontal bed position supported by the folded chair. The claim has been amended by incorporating the limitations from at least claims 37 and 38 to overcome this rejection.

**Claim 65**

Applicants further note that claim 65 is directed to the configuration of a private passenger compartment on an aircraft as disclosed with respect to the embodiment illustrated in Figs. 20-39 where, for example in Fig. 22, the compartment 105 is defined by two end walls 107a, two side walls 107b with a doorway 109 and the aircraft side wall 115. The compartment

has therein a chair 121, a table assembly 125, a work desk 126, a bench seat 128 and a bed 129 that is stored in a raised position as shown in Fig. 34 and is moveable to a lowered sleeping position as shown in Fig. 35. The chair 121 is positioned between a takeoff/landing position and at least a working position adjacent the desk 126 or table assembly 125. The seat 128 is positioned against an end wall 107a and at least one of the work desk 126 and table assembly 125 are adjacent the aircraft side wall 115 in the compartment space. The bed 129, which is stored in a raised condition above the compartment may be lowered to a sleep position, supported by at least one of the table assembly 125, the desk 126 and the seat structure 128.

This arrangement comprises at least one of table assembly 125, the desk 126 and the seat structure 128 that may be configurable from an operative position table, desk or seat to an operative position as a support for a bed, wherein the bed can be dropped down from a raised position to a horizontal bed position supported by the at least one of a table assembly 125, the desk 126 and the seat structure 128. The claim has been amended by incorporating the limitations from at least claims 52-55 to overcome this rejection.

***Claim Rejections - 35 USC § 103***

**Claims 1, 3, 5, 11-15, 18, 43, 50, 51 and 65 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cantu (6,056,239).** This rejection is traversed for at least the following reasons.

First, with respect to claims 1, 3, 5 and 11-15, the rejection is moot in view of the cancellation of the claims.

Second, with respect to claims 18 and 65, the claims have been amended to incorporate limitations from claims 37-38 and 52-55, respectively, which have not been rejected on the basis of Cantu.

Third, claim 43 is dependent on amended claim 18 and claims 50 and 51 are now dependent on amended claim 65, thereby overcoming the rejection.

**Claims 1, 3, 5-8, 18, 20-23, 27-28, 32, 46 and 65 are rejected under 35 U.S.C. 103(a) as unpatentable over Riedinger et al. (5,024,398).** This rejection is traversed for at least the following reasons.

First, with respect to claims 1, 3 and 5-8, the rejection is moot in view of the cancellation of the claims.

Second, with respect to claims 18 and 65, the claims have been amended to incorporate limitations from claims 37-38 and 52-55, respectively, which have not been rejected on the basis of Riedinger et al.

Third, claims 20-23, 27-28 and 32 are dependent on amended claim 18 and claim 46 is dependent on amended claim 65, thereby overcoming the rejection.

**Claims 1, 3, 5, 8-13, 18, 20, 43-44, 46-59 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB-2362095 to Dryburgh.** This rejection is traversed for at least the following reasons.

First, with respect to claims 1, 3, 5, 8-13 and 52-55, the rejection is moot in view of the cancellation of the claims.

Second, with respect to claim 18, the claim has been amended to incorporate limitations from claims 37-38, which have not been rejected on the basis of Dryburgh.

Third, claims 20 and 43-44 are dependent on amended claim 18.

**Claim 65**

Claim 65 has been clarified in order to define the combination of a bed that is disposed horizontally in both a raised storage position and a lowered sleeping position, as illustrated in

Figs 34 and 35. Further, claim 65 has been clarified to define the function of at least one of the table and desk to be interactive and changeable in order to provide support for the bed in the lowered position, as described at paragraphs [0160]-[0189]. Optionally, the seat also can provide such support.

Dryburgh et al does not teach a bed that is horizontally stored and is moveable to a horizontal sleeping position, particularly one where at least one of a table, work desk and seat can support the bed. Dryburgh simply teaches a chair that is reclinable into a bed form. The claim language has been made more definite and clearly defines over Dryburgh.

Crawford teaches a bunk bed that can be lowered from the ceiling but it does not interact with furniture in the manner claimed. Moreover, such structure is complex and unsuitable for a single passenger compartment for an aircraft, as claimed.

**Claims 46-51 and 56-59**

These claims are dependent on amended claim 65 and would be patentable for reasons given for claim 65, thereby overcoming the rejection.

**Claims 18, 20 and 37-41 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Crawford (2,612,120).**

This rejection is traversed for at least the following reasons.

First, for claims 37 and 38, the rejection is moot in view of the cancellation of the claims.

Second, with respect to claims 18, 20 and 39-41, the claims would be patentable for the following reasons.

**Claim 18**

Claim 18 has been clarified in order to define the combination of a bed that is disposed vertically in a raised storage position and a horizontally in a lowered sleeping position, as

illustrated in Figs 6-8. Further, claim 18 has been clarified to define the function of at least one of the seat, chair and credenza to be interactive and changeable in order to provide support for the bed in the lowered position, as described at paragraphs [0124]-[0131]. Notably, as illustrated in Figs. 6-8, the bed is stored in only a portion of the wall of the compartment and, accordingly, only a portion of the chair and seat are used to provide such support. If used, the entire credenza would provide such support.

Crawford concerns a railway sleeping car that uses an entire compartment for the bed, when the bed is moved from a stored to a sleeping position. The structural and operational problems facing Crawford are significantly different from those facing the inventors for an aircraft cabin. The space is utilized in a very different way as Crawford has the bed supported by the entire folded seat, leaving little or no room for a passenger to maneuver in the compartment space. According to the present invention, as claimed, only a part of the chair used for take off and landing is used as a support. Similarly, only a part of the seat is used as a support. Given this configuration, there is room left for a passenger to sit even when the bed is in the sleep position.

Finally, Applicants would submit that the structures and demands of the passenger compartment in a train are much different from those in an aircraft, and the arrangements and structures of the train would not teach or suggest similar designs for an aircraft. Moreover, the train structures are more complex, heavier and quite unsuitable for a single passenger compartment for an aircraft, as claimed.

#### **Claims 20 and 39-41**

These claims are dependent on amended claim 18 and would be patentable for reasons given for claim 18, thereby overcoming the rejection.

**Claims 18, 20-23 and 27-29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rodgers (USPN-245746).** This rejection is traversed for at least the following reasons.

First, with respect to claim 18, the claim is amended to incorporate the limitations of claims 37 and 38, which were not rejected. Thus, amended claim 18 is patentable over these references.

Second, with respect to dependent claims 20-23 and 27-29, the claims are patentable because of their dependency from amended claim 18.

**Claims 18, 20, and 36-37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN-6273366 to Sprenger.** This rejection is traversed for at least the following reasons.

First, with respect to claim 37, the rejection is moot in view of the cancellation of the claim.

Second, with respect to claim 18, the claim is amended to incorporate the limitations of claim 38, which was not rejected. Thus, amended claim 18 is patentable over these references.

Third, with respect to dependent claims 20 and 36, the claims are patentable because of their dependency from amended claim 18.

**Claims 1, 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN-4674712 to Whitener et al. (hereafter Whitener) in view of FR-2842497 Saint-Jalmes as evidenced by corresponding application US-2005/0001097.** This rejection is moot in view of the cancellation of the claims.

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitener in view of Saint-Jalmes as applied to claim 15 above, and further in view of USPN-4314733 (Smith).** This rejection is moot in view of the cancellation of the claim.

**Claims 24, 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of US-2003/0089269 to Oakley.** This rejection is traversed for at least the following reasons.

With respect to claims 24, 25 and 30, these claims depend from amended claim 18 and would be patentable for the reasons given for amended claim 18 as the two references are not combined to reject those claims.

**Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of Oakley as applied to claims 25 and 30 above, and further in view of US-2001/0022218 to Schlecht et al. (hereafter Schlecht).** This rejection is traversed for at least the following reasons.

First, with respect to claims 26 and 31, these claims depend from amended claim 18. None of Rodgers or Oakley meet the limitations of claim 18, as amended to include the limitations of at least claims 37 and 38.

Second, Schlecht is cited solely for a teaching of a window roll up blind for a vehicle. Schlecht does not remedy the deficiencies of Rodgers and Oakley with respect to amended claim 18. Thus, the rejection would be overcome.

**Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedinger in view of US-2002/0084042 (Kimmet).** This rejection is traversed for at least the following reasons.



First, with respect to claim 18, the claim now incorporates the limitations of claims 37 and 38, which were not rejected on the basis of Riedinger. Thus, claims 33 and 34, which depend from claim 18 also are patentable.

Second, with respect to Kimmet, the reference is cited solely for an upper rail that is retractable. Kimmet does not remedy the deficiencies of Riedinger with respect to amended claim 18. Thus, these claims are patentable.

**Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford in view of USPN-4318195 to Reppas.** This rejection is traversed for at least the following reasons.

First, the claim depends on amended claim 18, which Applicants submit is patentable over Crawford for the reasons already given. Reppas is cited solely for a bed that folds from a wall. Reppas does not remedy the deficiencies of Crawford with respect to claim 18. Thus, the claim would be patentable over the combination of references.

**Claims 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dryburgh in view of US-6520091 (Dettmers).** This rejection is traversed for at least the following reasons.

Claims 60-64 are dependent on amended claim 65, thereby overcoming Dryburgh. Dettmers is cited for an automatic table assembly and does not remedy the deficiencies of Dryburgh. These claims, thus, should be patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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